

## REMARKS

### *1. Status of claims*

After entry of the above amendment, claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 are pending.

### *2. Support for amendment*

The above amendment finds support in the present specification at p. 12, lines 1-3.

### *3. Claim rejections under 35 U.S.C. §102*

Claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 are rejected under 35 U.S.C. §102(e) as being anticipated by Ciocca *et al.*, U.S. Pat. No. 6,517,936 ("Ciocca"). In light of the above amendment, Applicants respectfully submit that the basis for this rejection has been removed and request this rejection be withdrawn.

The Examiner cites Ciocca as teaching a film comprising, in order: a heat-sealing layer comprising a styrene-butadiene-styrene block copolymer (Abstract and col. 3, line 10); an intermediate layer comprising PVDC (Abstract and col. 5, line 57); and a layer comprising low density polyethylene (Abstract and col. 5, line 4). Regarding the layer comprising low density polyethylene, Ciocca teaches that it should have "heat-resistant properties" to avoid sticking of that face of the film to processing equipment (col. 4, lines 63-65).

The present claims, as amended, differ from Ciocca in at least two ways. First, film layer C of the present claims comprises *linear* low density polyethylene (LLDPE) or ethylene vinyl alcohol (EVOH). Ciocca only teaches a layer comprising (non-linear) low density polyethylene (LDPE), and one of ordinary skill in the art would recognize that LLDPE and LDPE have

different properties. For example, see Dobreski, U.S. Pat. No. 4,430,457 ("Dobreski"), col. 2, lines 4-26. In light of the state of the art, Applicants respectfully submit that the Examiner's position that the LDPE layer of Ciocca can inherently function as a sealing layer is incorrect.

Second, the present claims, as amended, recite a structure in which the multi-layer laminate is adhered to a material by heat sealing the LLDPE or EVOH layer to the material. Ciocca teaches a multi-layer structure in which a layer containing, *e.g.*, LDPE should be *heat resistant*, which the skilled artisan would understand as meaning the layer should *not* be amenable to heat sealing to a material. Therefore, Ciocca teaches neither the presently claimed multi-layer laminate adhered to a material, nor a method for preparing the same, and it thus cannot anticipate these claims. Applicants respectfully request this rejection of claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 be withdrawn.

#### *4. Claim rejections under 35 U.S.C. §103*

First, claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ciocca in view of Dobreski. The Examiner points to Dobreski as teaching LLDPE for use in an outer layer of a multilayer structure according to Ciocca. In light of the above amendment, Applicants respectfully traverse this rejection.

Ciocca has been described above. Dobreski teaches that LLDPE has physical properties desirable in cling/stretch wrap film applications (col. 2, lines 18-26), but Dobreski does not teach that LLDPE is useful in heat sealing applications. Therefore, combining the teachings of Ciocca and Dobreski, the skilled artisan could not conclude that a layer containing LLDPE or EVOH would be useful in heat sealing a multi-layer laminate to a material, and thus Ciocca in view of

Dobreski does not render the present claims unpatentable. Applicants respectfully request this rejection of claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 be withdrawn.

Second, claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ciocca in view of Schirmer, U.S. Pat. No. 4,847,148 ("Schirmer") or Newman, Jr., *et al.*, U.S. Pat. No. 3,645,838 ("Newman"). In light of the above amendment, Applicants respectfully traverse this rejection.

Ciocca is as described above. Schirmer teaches structures comprising an abuse-resistance or heat-resistance layer containing LLDPE or "ethylene polymers or copolymers" (col. 3, lines 46-62). The structures of Schirmer are heat sealed or corona bonded to a polystyrene sheet across an ethylene/n-butyl acrylate copolymer or an ethylene/vinyl acetate copolymer. Newman teaches multilayer structures in which a vinylidene chloride layer is bonded via a glue layer to a polystyrene layer (col. 1, lines 11-38). Neither Schirmer nor Newman teaches that LLDPE or EVOH are useful in heat sealing layers. Therefore, combining the teachings of Ciocca and Schirmer or Newman, the skilled artisan could not conclude that a layer containing LLDPE or EVOH would be useful in heat sealing a multi-layer laminate to a material, and thus Ciocca in view of Schirmer or Newman does not render the present claims unpatentable. Applicants respectfully request this rejection of claims 1, 3-6, 8-10, 12-14, 16-20, and 22-24 be withdrawn.

*5. Closing remarks*

In conclusion, Applicants hold that all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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